

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Rudolph Antonio Russell

Docket No. 5:03-CR-328-1FL

Petition for Action on Supervised Release

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Rudolph Antonio Russell, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on August 18, 2004, to the custody of the Bureau of Prisons for a term of 148 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On June 11, 2012, the defendant's term of imprisonment was reduced from 148 months to 120 months.

Rudolph Antonio Russell was released from custody on November 21, 2012, at which time the term of supervised release commenced.

On May 6, 2015, the court was notified that the defendant had been arrested and charged with Driving While Impaired in Johnston County, North Carolina. The defendant stated he had attended a family function at a relative's house, admitted consuming alcohol at the event, and was in a parked car along the roadside in front of the house without the engine running. The defendant denied driving a vehicle while impaired. Supervision was permitted to continue with no punitive sanction while the Driving While Impaired charge was resolved in state court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On January 17, 2017, the defendant was convicted of Level V Driving While Impaired in Johnston County District Court. He received a 60 day suspended sentence and 12 months of unsupervised probation. The defendant's license has also been suspended for one year. As a result of his conviction, the defendant will be required to complete substance abuse treatment before he can become eligible to drive a motor vehicle again. We are also recommending the defendant be required to complete 24 hours of community service work as a result of his conviction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8808
Executed On: February 16, 2017

ORDER OF THE COURT

Considered and ordered this 17th day of February, 2017, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge